

**MINUTES
BOARD OF APPEALS
Monday, July 18, 2016
City Hall, Room 604
5:30 p.m.**

*****For more detailed information regarding the meeting, please see the meeting video on our website at <http://greenbaywi.gov/event/board-of-appeals-8/> and follow the time stamp listed on each item.***

MEMBERS PRESENT: Don Carlson—Chair, Greg Babcock-Vice-Chair, and Thomas Hoy

MEMBERS EXCUSED: None

OTHERS PRESENT: Paul Neumeyer, Ald. D. Nennig, Mark Rukamp, Art Dittmann, Linda Dittmann, Tom Phillip, Steve Bieda, Steven Kassner, Tim Denissen, Jacquelyn Fitzpatrick, Donna Otto-Peot, Richard Keon, Scott Speidel, Don Mjelde, George Bolssen, and George Tuell

D. Carlson called the meeting to order and asked if Members had gone out to the properties. G. Babcock and T. Hoy went to all properties; D. Carlson did not go out to any properties. He then asked if any members had spoken to anyone regarding the variance requests. All stated no. D. Carlson then asked Members if anyone needed to abstain from voting. All stated no.

APPROVAL OF MINUTES:

Approval of the June 20, 2016, minutes of the Board of Appeals. (0:00:40)

A motion was made by G. Babcock and seconded by T. Hoy to approve the June 20, 2016, minutes of the Board of Appeals. Motion carried. (3-0)

OLD BUSINESS:

NEW BUSINESS:

1. Alliance Construction, on behalf of Amerco Real Estate Co., property owner, proposes to modify existing driveways in a General Commercial (C1) District at 2201 Main Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1706(a), drive opening width and Section 13-1706(c) curb/safety island design. (Ald. A. Nicholson, District 3) (0:01:01)

Mark Rukamp – Alliance Construction & Design: M. Rukamp presented to the Board members the request from U-Haul® to leave the driveways the current size and improve the overall look of them and remove the center island due to safety issues and the size of the trucks.

A discussion took place between P. Neumeyer and Board members regarding the original ordinance and standards of the driveway and the reasoning for the variance. Board members did not have an issue with the request as it is a safety issue.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

2. Paul Lewis, Louie's General Construction, on behalf of Arthur & Linda Dittmann, Jr., property owners, proposes to construct a garage addition to an existing dwelling in a Low Density Residential (R1) District, located at 1104 Irene Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, required rear yard setback. (Ald. B. Galvin, District 4)

Art & Linda Dittmann – 1104 Irene St: A. Dittmann presented to Board members why they need a garage addition. This included room for a second vehicle and storage. The issue they are having is with the rear yard setback as they have a very small lot.

A conversation ensued between Board members and Staff. There were no issues regarding the request.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested. Motion carried. (3-0)

3. Tom Phillip, property owner, proposes to replace an existing fence in a Low Density Residential (R1) District at 1145 South Van Buren Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(a)(1), fence height. (Ald. B. Galvin, District 4)

Tom Phillip – 1145 S. Van Buren: T. Phillip presented to Board members his plan to replace his existing 6 ft. fence as is.

A conversation ensued between Board members and P. Neumeyer regarding the height of the fence, setback requirements, green space, and code requirements. There were no issues regarding the request.

A motion was made by T. Hoy and seconded by G. Babcock to approve the variance as requested. Motion carried. (3-0)

4. Steven Kassner, Steve Kassner Construction, on behalf of Charles Molle, proposes to construct a single-family home located in a Low Density Residential (R1) District at 3003 Nicolet Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-515(e), waterway setback. (Ald. B. Dorff, District 12)

Steve Bieda, Mau & Associates, & Steven Kassner, Kassner Construction are representing C. Molle, Property Owner, regarding the construction of a single-family home. They explained the challenges with the lot, as it is very narrow, the fact that the driveway would back out into intersection, and watermark setbacks. The setbacks they are requesting are consistent with the other homes on Nicolet Drive.

A conversation ensued between the applicants, P. Neumeyer and Board members regarding the watermark setback, flood plain, setbacks, and the risk of no proper watermark setback.

A conversation continued between Board members regarding ordinances, position of existing homes and setbacks. All were in agreement of the request.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

5. Tim Denissen, NeighborWorks®, on behalf of NeighborWorks® Green Bay, property owners, proposes to pave an existing gravel driveway in a Low Density Residential (R1) District at 1156 and 1168 East Walnut Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1), interior yard setback. (Ald. B. Galvin, District 4) (0:27:53)

Tim Denissen – NeighborWorks® Green Bay: T. Denissen presented to Board members the plan for paving a gravel shared driveway, which included green space, and paving the driveway out to the side yard lot line. The hardship in this case would be the fact that there is not enough room for two private drives. He informed Board members the neighbor has no problem with the request.

A conversation ensued between Board members. They were all in agreement of the request.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

6. Gary Fitzpatrick, property owner, proposes to expand an existing driveway in a Low Density Residential (R1) District at 1639 Westfield Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback for paving. (Ald. M. Steuer, District 10) (0:30:54)
7. Donna Otto-Peot, property owner, proposes to expand an existing driveway in a Low Density Residential (R1) District at 1645 Westfield Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback for paving. (Ald. M. Steuer, District 10)

Items 6 and 7 are a joint item and will be presented together.

Jacquelyn Fitzpatrick – 1639 Westfield Ave: J. Fitzpatrick presented to Board Members information regarding their existing driveway and how both her and the neighbor's at 1645 Westfield Ave want to add additional concrete. They want the concrete added to improve the looks of their homes and driveway.

D. Carlson reiterated with P. Neumeyer the variance and the reason for the variance. There was no issue with the request.

A motion was made by T. Hoy and seconded by G. Babcock to grant variances for Items 6 & 7 as requested. Motion carried. (3-0)

8. Richard B. Keon, property owner, proposes a dwelling addition located in a Low Density Residential (R1) District at 986 Liberty Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback. (Ald. G. Zima, District 9) (0:33:20)

Richard Keon – 986 Liberty: R. Keon informed Board members they are looking to put an addition onto their existing home and need a variance as they will be less than the required 25 ft. rear yard setback. The neighbor this will be affecting is in agreement of their proposed project.

A conversation then ensued between Board members. Items discussed were the affected property owner, and how small the lot is.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

9. Mi-Mar Builders, Inc., on behalf of Kathleen DeVillers, property owner, proposes to widen an existing driveway located in a Low Density Residential (R1) District at 1486 Cedar Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709(a), front yard setback and Section 13-1709(b)(1) side yard setback for paving. (Ald. D. Nennig, District 5) (0:36:20)

Scott Speidel – Mi-Mar Builders: S. Speidel explained that the driveway is a gravel driveway and the property owner would like to pave the driveway. Information presented to Board members included setbacks and the width of the driveway.

A conversation continued between the applicant and Board members. The information included the size of the lot and the driveway being gravel. There are no issues regarding the project.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

10. Don Mjelde, Mjelde, LLC, property owner, proposes to expand an existing parking area in a Varied Density Residential (R3) District and a General Commercial (C1) District located at 836-838, 840 South Broadway and 414 5th Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1820(a) perimeter landscape buffer and Sections 13-609 and Section 13-810, Table 8-2 maximum impervious coverage. (Ald. Zima, District 9) (0:38:04)

Don Mjelde – 840 S. Broadway: D. Mjelde stated he has a gravel parking lot he wants to pave and expand for extra parking. He would also like to continue a fence line along the north side of the property. D. Mjelde went over the site plan with Board members.

D. Carlson then clarified with D. Mjelde his project information. A neighbor affected by the project is present and does not have an issue with the project. D. Carlson asked P. Neumeyer if the issue is the transition yard between Commercial and Residential Districts. P. Neumeyer stated yes, along with impervious coverage issues.

A conversation continued between the applicant, Board members, and P. Neumeyer. Information discussed included the surrounding properties, parking, current and new fencing, impervious coverage, green space (for both commercial & residential), variance options, setbacks, and zoning. A discussion continued regarding variance options. D. Carlson stated he is inclined to deny the variance for the impervious coverage, which the applicant did not object to. Both G. Babcock and T. Hoy agreed. P. Neumeyer stated with the increased impervious coverage, there would be a loss of parking spaces with the ability of actually parking on the permeable surface.

D. Carlson then asked if there was anyone who wished to speak for / against this request. There were no other comments.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested for the transitional yard and deny the request for maximum impervious surface. Motion carried. (3-0)

11. George & Melissa Tuell, property owners, propose to expand an existing driveway located in a Low Density Residential (R1) District at 1110 Roscoe Street. The applicants are requesting to deviate from the following requirements in Chapter 13-1709, interior side yard setback for paving and Section 13-1705(a) widened driveway width. (Ald. Wery, District 8) (0:52:38)

George Tuell – 1110 Roscoe Street: G. Tuell stated they would like to expand their driveway and driveway apron. He explained to Board members the details of his project. He stated he has spoken with the neighbor and she has no issues with the request.

A discussion then took place between Board members and the applicant. This information included how far back he was going to pour concrete, review of the site plan, property line, and non-conformance of the property. There were no issues regarding the request.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

A motion was made by G. Babcock and seconded by T. Hoy to adjourn the meeting at 6:28 p.m. Motion carried. (3-0)

Meeting adjourned.